

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1164 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

DEVSIBHAI RUDABHAI SOLANKI

Versus

B C JHALA

Appearance:

MR AKSHAY H MEHTA for Petitioner
MS BR GAJJAR AGP for Respondent No. 1
NOTICE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 20/04/2000

ORAL JUDGEMENT

I have heard Ms. Paurami Seth, learned counsel
for Mr. Akshay Mehta, learned counsel appearing on
behalf of petitioner and Ms. B.R.Gajjar, learned
Assistant Government appearing on behalf of the

Respondent State.

Grievance of the petitioner is this that in pursuance of advertisement for the post of Education Inspector, he applied the authority. A Selection Committee was constituted consisting of five members and the Selection Committee interviewed the candidates on 29th September, 1989, but the petitioner was neither informed by the authority about the date of interview nor he has been called upon to appear before the Interview Board. Having felt aggrieved by the decision of the authority, the petitioner filed representation and after considering the representation, the authority arranged for another interview on 12th October, 1989 and a Selection Committee consisting of three member was formed to interview the candidates and the petitioner has been informed by the Selection Committee about the date of interview. After interview of the candidates on both dates, the Selection Committee prepared a select list containing five names for appointment to the post of Education Inspector. The Committee also prepared a waiting list containing the names of 17 persons, but the name of the petitioner did not appear in either of the lists.

Learned Counsel for the petitioner submitted that the case of the petitioner has not been properly dealt with by the Government. Learned Counsel submitted that while all other members have been interviewed, the Committee was constituted of five members, and the petitioner has been interviewed by a Committee constituted by three members, which has resulted injustice to the petitioner. Learned Counsel for the petitioner submitted that as the petitioner is having a good academic record, there is no reason for the Selection Committee denying the appointment of the petitioner for the post of Education Inspector.

I do not find any force in the submission of learned Counsel for the petitioner because when on 29th September, 1989, the date of interview has been fixed by the authority and when the petitioner has found that he has not been called for the interview, he should have taken proper steps so that he can appear before the Interview Board on 29th September, 1989. Nothing has been done by the petitioner before the Interview was held on 29th September, 1989. However, the petitioner submitted a representation to the authority and after considering his application, another Selection Committee was constituted and the petitioner was interviewed on 12th October, 1989. It is true that the Selection

Committee was not constituted by five members as has been done in the case when interview held on 29th September, 1989. But short number in Selection Committee may not necessarily mean an irregularity or illegality or is unjust because it cannot be assumed that three members cannot assess merits of the petitioner, whether he should be selected or not. I do not find any merits of the matter. It has been alleged that there was illegality and injustice has been caused to him simply because number of members were less in the Selection Committee when the petitioner was interviewed. He cannot challenge the authority of the Selection Board or the due process of selection of the candidates. Consequently, I do not find any merits in the petition and it is accordingly dismissed. I make no order as to costs. Interim relief granted earlier stands vacated. Rule is discharged.

Date:20/4/2000. (P.K.SARKAR, J.)
ccshah